phlets, these particular pamphlets, be given to the jurors. Let them read it, not in a distorted manner out of context because when Foster speaks about "capitalism" he speaks about the big corporations, and he doesn't speak about the people of the United States.

The Court: Well, we will see if there are available copies, unmarked copies to be given to the jury to supplant the one that was used by the witness in reading the excerpts.

Mr. Nelson: Everybody knows that the American bankers control the world, but not the American workers. So let the jurors read the whole thing.

The Court: The jury will have the whole thing available to them, and you, Mr. Nelson, may have the right to point out in any of these books anything that you wish in support of your contention in the matter, and read excerpts which will be in order for that purpose.

[fol. 586] (Commonwealth's Exhibit No. 20 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 20, and ask you if you know what that is?

A. That is a book called, "State and Revolution." It is written by V. I. Lenin.

Q. And who published that book?

A. It was published by the International Publishers in New York.

Q. Did you ever see that book before?

A. Yes, I obtained this on July 19th in the Communist headquarters.

Q. And who had the book then?

A. James H. Dolsen. I bought it from him.

Mr. Lewis: The Commonwealth offers in evidence Exhibit No. 20. We would ask the witness to read excerpts from this exhibit.

The Court: Objection noted for the defendant, and overruled.

A. On page 17, on the bottom of the page: "The bourgeois state can only be put an end to by revolution."

On page 20——

The Court: What was the first reference?

[fol. 587] The Witness: Page 17.

A. (Continuing:) On page 20: "The replacement of the bourgeois by the proletarian state is impossible without a violent revolution."

Page 23: "The overthrow of the bourgeois rule can be accomplished only by the proletariat and the particular class which, by the economic conditions of its existence, is being prepared for this work and is provided both with the opportunities and power to perform it."

(Commonwealth's Exhibit No. 21, marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 21, and ask you what that is, do you know?

A. That is a book called, "History of the Communist Party of the Soviet Union", edited by a commission of the Central Committee of the Communist Party of the Soviet Union, authorized by the Central Committee of the Communist Party of the Soviet Union.

Q. Did you ever see that book before?

A. Yes, I obtained this also in the Communist headquarters in Pittsburgh, in the Bakewell Building, on July 19, 1950, from James Dolsen.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 21, and ask the witness to read some excerpts [fol. 588] therefrom.

The Court: Objection of the defendant noted, and overruled.

A. On page 9, a little below the middle portion of the page: "Marx and Engels taught that it was impossible to get rid of the power of capital and to convert capitalist property into public property by peaceful means, and that the working-class could achieve this only by revolutionary violence against the bourgeois, by a proletarian revolution, by establishing its own political rule—the dictatorship of the proletariat—which must crush the resistance of the exploiters and create a new, classless, Communist society."

Page 111: "Hence the transition from capitalism to

socialism and the liberation of the working-class from the yoke of capitalism cannot be effected by slow changes, by reforms, but only by a qualitative change of the capitalist system, by revolution."

(Commonwealth's Exhibit No. 22, marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 22, and ask you what that is, if you know?

A. This is a document entitled, "Instructor's Outline for Orientation Course."

[fol. 589] Q. Do you know who publishes that document?

A. It was prepared by the National Education Commission of the Communist Party of the United States, which had its headquarters at 35 East 12th Street, New York City.

Q. Did you ever see that exhibit before?

A. Yes, I did.

Q. Where did you see it?

A. I found this in Steve Nelson's desk in the headquarters of the Communist Party.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 22, and ask the witness to read excerpts from this publication.

A. On page 1: "Foreword to the teacher:

"1. In undertaking these new membership classes, your object should be (1) to develop certain basic knowledge about the Party, its theory and organization, its policy and program; (2) to instill a respect, devotion and loyalty to the Party; (3) to lay the foundations and stimulate the desire for further continuous study of the Party theory and for the regular reading of the Party press; (4) to help integrate the new members as rapidly as possible into his or her party club and into the life of the Party."

[fol. 590] On page 7: "Communists are not pacifists. They distinguish between two kinds of wars: 1. Just wars: wars that are not wars of conquest but wars of liberation waged to defend the people from foreign attack and from attempts to enslave them, or to liberate the peoples of

capitalist slavery, or, lastly, to liberate colonies and dependent countries from the yoke of imperialism; and, 2. Unjust wars; wars of conquest, waged to conquer and enslave foreign countries and foreign nations. Wars of the first kind the Bolsheviks supported. As to wars of the second kind, the Bolsheviks maintained that a resolute struggle must be waged against them to the point of revolution and the overthrow of one's own imperialist government"—taken from the History of the Communist Party of the Soviet Union, Bolsheviks, page 167, 168.

Mr. Nelson: Your Honor, I haven't got a copy of the indictment. I don't know whether he is reading even that limited thing—I suspect he is reading beyond that.

The Court: Well, I have been checking that, Mr. Nelson, and I find that the History of the Communist Party of the Soviet Union is specifically mentioned in the indictment.

Mr. Nelson: But there is no way to know what he is reading. He is reading the document. What is this getting [fol. 591] to be, a game here?

The Court: I beg your pardon?

Mr. Nelson: What is he trying to play, a game here?

The Court: I do not think so. If you object to any part of what he is doing, why, this is more serious than a game——

Mr. Nelson: That is right.

The Court: You object if you think that the rules are not being complied with.

Mr. Nelson: What is the use of objecting now, he read the stuff, your Honor—I don't know, I haven't got the indictment. You said that he has got to refer to the things in the indictment.

The Court: That is what I say.

Mr. Nelson: I haven't got a copy and I don't know what he is reading. I have my suspicions that he is reading other things than that—and your doubts confirm that. [fol. 592] Mr. Lewis: The Commonwealth's Exhibit No. 22 is in evidence, which was found on the defendant's desk offered in evidence.

The Court: Well the point we are making is this, that

you are limited, on reading excerpts from the documents mentioned in the indictment. Now I said that I find reference made to the History of the Communist Party of the Soviet Union included in this indictment.

Mr. Lewis: Well, I mean, are we going to be limited to reading the things that are in the indictment all through this case?

The Court: Yes, sir, you are going to be limited to the indictment, as far as your offers are concerned. You may offer in evidence anything else of a nature to indicate a motive or intent in support of these matters which are included in the indictment, but I am not going to permit the reading into the record of excerpts from all these other books, other than is set forth in the indictment.

Mr. Lewis: We do not intend to do that, but unless we [fol. 593] can read other things into the record—I mean, things that we found, it is absolutely no way that we can present a case to the jury to make any sense out of it.

The Court: You can offer those books——

Mr. Nelson: There is no sense to this case anyway, Mr. Lewis, and you know it.

Mr. Lewis: I make a motion that that be stricken.

The Court: Motion granted.

Mr. Lewis: And Mr. Nelson warned not to make statements like that.

The Court: You have, I suppose, a substantial number of other publications to which reference is not made in the indictment?

Mr. Lewis: That is true. That is supporting evidence, and we offer it the same as they offered it in the Widowich case, and in the Blankenstein case—which are Pennsylvania cases. We do not intend to, certainly, read all of these books or anything like that; we are going to get [fol. 594] through with this as soon as possible. But there are certain things that we have to read to the jury to make sense out of our case. Otherwise it doesn't mean anything.

The Court: Well, the indictment——

Mr. Nelson: You can't make any sense out of it, as far as that goes, Mr. Lewis.

The Court: The indictment is based on the books which

you refer to here, and the excerpts which you have, of course, emphasized by reading them into the record.

Mr. Lewis: We are not confined to that under all of the decisions—the New York case, our own cases in Pennsylvania. Other things that were found in the headquarters were read into evidence, offered into evidence. The same thing happened in the Widowich case here in Pennsylvania, they offered books in evidence and the excerpts were read to the jury, not only the ones that were set forth in the indictment but any other books that were found on the premises. And we certainly don't intend to [fol. 595] read excerpts from all these books, but certainly there are basic things that we have to read from them to make sense out of this case as far as the jury is concerned.

The Court: Well, there is only one purpose for reading the excerpts, and that is support your matter of intention here, what the intention was of this defendant here, that was involved in the dissemination of this material—if he was.

Mr. Lewis: That is why the offer is being made, and for no other reason.

The Court: Well, can we limit it to any particular books?

Mr. Lewis: We can, and we intend to do it.

The Court: You need not read excerpts from a great number of the books. Can't you do it by reference to them, if I permit you to point out the excerpts from a reasonable number of them, in support of the matter of intention, and offer them without reading the excerpts?

[fol. 596] Mr. Lewis: That is what we intend to do. I think we can finish with our case today, with the material that we have here—at least we are going to try to. And I think we shouldn't be confined to this, but we are going to confine ourselves to it.

The Court: Well, I will limit you to this extent, that I will inform the jury that conviction may be based on only these books which are included in the indictment, but these other books are being offered in evidence, and their attention is directed to parts of them for the purpose of showing intention and motive only.

Mr. Lewis: Right.

The Court: All right, I would ask your cooperation, then,

in offering these additional books, not mentioned in the indictment, to be as brief in your directing the attention of the jury to the excerpts as possible.

Mr. Lewis:

Q. Now, Judge, the last excerpt you read from Commonwealth's Exhibit No. 22, you referred to an imperialistic government. Now, what is an imperialistic government referred to in any other literature or publication [fol. 597] that you found in the Communist headquarters?

A. Yes, it was referred to on numerous occasions, practically all the time.

Q. I am going to show your—strike that.

The Court: You mean it is referred to in the literature that was found in the headquarters that you referred to in the Bakewell Building?

The Witness: That is true, in scores and scores and scores of books and documents that I read, which were found in the Communist headquarters, the United States Government was referred to as an imperialistic government.

(Commonwealth's Exhibit No. 23 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 23, and ask you if you ever saw that before?

A. I did.

Q. Where did you see it?

A. I found this in Steve Nelson's desk on August 31st, 1950.

[fol. 598] Q. And what is that?

A. It is a telegram to Steve Nelson, room 426, 417 Grant Street, from William Z. Foster, National chairman; Gus Hall, National secretary; Henry Winston, organizational secretary; John Williamson, labor secretary for the National Committee, Communist Party, United States of America.

Mr. Nelson: Did you offer this to the jury?

Mr. Lewis: I have not offered it yet. We offer in evidence

Commonwealth's Exhibit No. 23, and ask permission to read it to the jury.

The Court: Do you object, Mr. Nelson?

Mr. Nelson: No objection.

The Court: No objection.

Mr. Lewis: "New York, 1950, June 30. Steve Nelson, room 426, 417 Grant Street. Yesterday President Truman refused to say that American land troops or atomic weapons would not be used in the attempt to conquer the heroic peoples of North and South Korea.

"Today, he announces that land troops are being thrown [fol. 599], into action, and that bombing of Korean civilians is no longer confined below the 38th Parallel.

"What assurance have we that tomorrow the President of the United States will not tell us that he has ordered the atomic destruction of Seoul, and that all Korea has been reduced to the ashes of another Hiroshima?

"Wall Street's government is carrying us, step by step, toward total disaster. Now the steps are those of seven-league boots. The Korean people have demonstrated their determination to win a united democratic country, and refused to murder each other at the command of General MacArthur. This in itself is a compelling reason for calling a halt to all United States imperialistic intervention in Korea. Certainly it is no excuse for committing American land forces to a criminal and reckless adventure that can only endanger the National security of our country, bring National dishonor upon us all, and wreck world peace."

[fol. 600] "Every American who values his own and all human life should vigorously protest today's action to President Truman and Congress and demand an end to the undeclared war against the colored peoples of Asia and the Pacific.

"All peace-minded Americans, and in the first place labor and the Negro people, should make the July 4th weekend an all-out people's mobilization for hundreds of thousands of signatures to the Stockholm World Peace Pledge.

"Hands off Korea! Not a man, not a gun, not a plane for mass murder! Outlaw the A and H bombs by international agreement. William Z. Foster, National chairman; Gus Hall, National secretary; Henry Winston, organizational secre-

tary; John Williamson, labor secretary for the National Committee, Communist Party, U. S. A."

Mr. Nelson: Now, Your Honor, let the record show that that telegram called upon me to urge the American workers in this area to write to their Congressmen to protest this criminal war. And had that been done, Your Honor, there [fol. 601] wouldn't have been hundreds of thousands of American casualties by now. Now the whole country is opposed to the war.

The Court: Just a moment now, the telegram speaks for itself.

Mr. Nelson: But when I was opposed to it, Your Honor, then I was arrested by this man.

The Court: The telegram speaks for itself, and you may argue on it as long as you want, within certain bounds, of course, to the jury.

Mr. Nelson: I want the jury to see what is going on here.

The Court: You cannot argue each point as we go along, Mr. Nelson.

Mr. Nelson: I don't know how, not being a lawyer, to defend my rights.

The Court: We are here to guide you and will help you as much as I can since you are without counsel.

(Commonwealth's Exhibit No. 24 marked for identification.)

[fol. 602] Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 24, and ask you if you know what that is?

A. This is a reproduction of a speech made by Eugene Dennis, the general secretary of the Communist Party of the United States.

Q. And did you ever see that exhibit before?

A. Yes, I got this in the Communist headquarters in the Bakewell Building on August 31st, 1950.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 24, and would like to have permission to read an excerpt from it.

The Court: Any objection, Mr. Nelson?

Mr. Nelson: I think the thing ought to speak for itself. That whole document should be given to the jury.

The Court: It will be.

Mr. Nelson: This way of taking one little sentence out and then throwing it in the box, they will never have a chance to see it, is a way to line them up in such a way as not to be able to form an honest and unbiased judgment.

[fol. 603] The Court: I will concede that it is a possibility, taking a sentence or excerpts from a publication and getting the wrong opinion from it. However, to permit the document here to be read fully into evidence, Mr. Nelson, is an impossibility. I will permit the District Attorney to direct the attention of the jury to that part of it which he thinks supports his contentions here, and I will permit you to do likewise.

Mr. Nelson: Is this in the indictment, this what he is going to quote?

The Court: No. This is, as I told the jury, not in the indictment. It is only offered to support their theory that anything that you may have done was done with a motive or intention that may be considered seditious.

Mr. Lewis: That is all the offer is being made for.

The Court: This is not based on the indictment, but is supporting evidence. Read it limitedly, but without perverting [fol. 604] it in any fashion, of course.

Mr. Nelson: How can that be done, Your Honor?

The Court: Well, possibly it is an impossibility to accomplish fully that, but we will do the best we can, and we will ask you to do likewise.

Mr. Lewis: "Let me restate what Comrade Foster and I said about a year ago, that: 'If, despite the efforts of the peace forces of America and the world, Wall Street should succeed in plunging the world into war, we would oppose it as an unjust, aggressive, imperialist war, as an undemocratic and anti-socialist war, destructive of the deepest interests of the American people and all humanity.'

"Finally, I would like to urge that all of us strive to effect a decided improvement in our style of work. We must learn, as Stalin thought, to combine Bolshevik zeal with American efficiency. But always and everywhere we must [fol. 605] be audacious; we must be bold. We must show

greater imagination and achieve individual initiative in our work on all levels, at the top as well as below. We are entering a period of acute and sharpening struggles. Let us march forward courageously, determined, and with supreme confidence in our Party, in our class, in our cause."

Mr. Lewis:

Q. Now can you tell us whether or not "imperialistic war" was referred to in Commonwealth's Exhibit No. 21 at any place?

A. Yes.

Q. Will you point that out to us, please?

A. On page 167 and 168, the quotation which I read from that document entitled "Orientation Course" appears here in this book, "History of the Communist Party of the Soviet Union, Bolshevik." You find here at the bottom of page 167, and going over to page 168.

Q. Will you read it again so we can get the connection between this book and the other document that you read?

A. "It was not to every kind of war that the Bolsheviks were opposed. They were only opposed to wars of conquest, imperialist wars. The Bolsheviks held that there are two kinds of war: (a) Just wars, wars that are not wars of conquest but wars of liberation, waged to defend the people from foreign attack and from attempts to enslave them, or [fol. 606] to liberate the people from capitalist slavery, or, lastly, to liberate colonies and dependent countries from the yoke of imperialism; and (b) unjust wars, wars of conquest, waged to conquer and enslave foreign countries and foreign nations.

"Wars of the first kind the Bolsheviks supported. As to wars of the second kind, the Bolsheviks maintained that a resolute struggle must be waged against them to the point of revolution and the overthrow of one's own imperialist government."

(Commonwealth's Exhibit No. 25 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 25, and ask you if you ever saw that before?

A. I have.

Q. And where did you see it?

A. I found it in Steve Nelson's desk in the Communist headquarters.

Q. When?

A. On August 31st, 1950.

Q. And what is that document?

A. That is a report by Gus Hall, National secretary, the Communist Party, to the National Committee conference.

Mr. Nelson: What do you propose to do with this?

[fol. 607] Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 25, and ask the witness to read certain excerpts to the jury from it.

Mr. Nelson: I object to the reading of excerpts, Your Honor. If it is going to be read, it ought to be read in toto.

The Court: Just a moment. To what extent are you going to read excerpts?

Mr. Lewis: I don't suppose it will take us over three minutes.

Mr. Nelson: I know that speech dealt with a lot of questions: the need for a fight for lower prices, and for more housing, and to take care of the old age people, and so forth. And then it deals with the war question, on which he says that he is opposed to it.

The Court: You may direct the attention of the witness, on cross-examination, to all those points, Mr. Nelson—likewise with this.

[fol. 608] Mr. Nelson: Once he gets through with these prejudicial things, your Honor, there is no chance of correcting that damage.

The Court: You will get the last opportunity there to cross-examine him on it, you know.

A. On page 1: "What we must fully understand is that military aggression is now key peg in United States foreign policy, and that this policy will be pursued not only in Korea and Asia but throughout the world. Wherever peoples fight for freedom, whether national libera-

tion struggles take place, and wherever the working-class moves forward to achieve socialism, United States armed forces will be used against the people. This is going to be true for every part of the world."

Same page: "The United States has completed the destruction of the United Nations as an instrument for peace and has turned it into a smoke screen for its own aggressive purposes; fifth, the United States has scrapped and destroyed all the remaining treaties signed as a result of the second World War."

On page 2: "We must make the point that if it had not been Korea, the war provocation would have exploded at another point. The policy of United States imperialism has been for a long time a policy of provoking conflicts [fol. 609] in one place after another."

Next excerpt: "We must continually emphasize and show that the war in Korea is an unjust war, a war of aggression, an imperialist war."

Page 3: "Our aim is to work not merely for a retreat on the part of United States imperialism, but to strive for a basic change in the foreign policy of the United States, to work for a policy of peace and friendship with the Soviet Union, China, and so forth, and that requires the mobilizing of the broadest democratic coalition, powerful enough to defeat the present course of American imperialism, and bring into being A People's Front Government dedicated to fulfilling the peace aspiration of the overwhelming majority of our people.

"And here just a few additional thoughts on the re[illegible] of the American people. I think even in our own Party, there is too much speculation of what will be the effect of a victory or defeat for United States imperialism in Korea. Let me indicate what I think the facts could be. If the American forces are successful in Korea, that would encourage Wall Street to move forward in many parts of Asia and spread the war. If the American forces get a shellacing, while it would increase the desperation in Wall Street and Washington, it would encourage the peace forces of our Country and the world, and make it more difficult for Wall Street to unleash new adventures."

[fol. 610] Page 5: "We must make clear that the struggle for peace, as understood by Marxists, does not mean ac-

cepting the status quo in the world, does not mean accepting colonial bondage, does not mean postponing the struggle for socialism. That was never our concept of the struggle for peace, nor can this be the concept of Marxists."

The next excerpt: "In our own Party we must deepen further the understanding of our members that we do not take a neutral position to struggles of national liberation, nor, of course, to the struggle for socialism. Our policy of peace arises out of this basic understanding."

Next: "We must show concretely that since the day of the U.N.'s birth at the San Francisco conference, United States representatives have conspired to undermine its influence, and prevent it from serving the cause of peace. United States imperialism started out at the beginning with the aim of transforming the U.N. into its instrument, an instrument to camouflage the aggressive plans of United States imperialism. We must show the people why the United Nations has never been able to play the role originally outlined in the U. N. Charter. The most the U. N. ever did was to mediate between the imperialist powers, as for instance, in Palestine, and so forth. But it never was the instrument for peace. And now, it is the open tool of American imperialism, and the flag of the U.N. is the flag of piracy in Asia."

[fol. 611] Mr. Nelson: Isn't that what a lot of newspapermen say these days?

The Court: You may ask the witness that on cross-examination.

Mr. Nelson: I can show you that, including Dorothy Thompson, just three days ago in the Pittsburgh Press said that and now I am going to jail because you want me to go to jail because I said these things or agree with these things.

Mr. Lewis: Will you please limit him, your Honor, to cross-examination. This is not the proper time for Mr. Nelson to say or ask those questions at this time.

Mr. Nelson: Your Honor, my blood makes me boil over here when this man wants to deny my rights, wants to take me away from my family, destroy my political ideas because he got political ambitions.

The Court: We are here to protect your rights, and I will do so to the best of my ability.

Q. And ask the witness to read excerpts therefrom?

A. On page 8 I read: "Internationally we belong to the anti-imperialist front, headed by the Soviet Union, and for genuine, friendly aid we must look to this front and not to [fol. 675] the imperialist front. We are told, 'You are establishing a dictatorship.' Yes, dear gentlemen, you are right. We are indeed establishing a dictatorship. The experience acquired by the Chinese people over many decades shows us the need to establish a dictatorship of the people's democracy."

(Commonwealth Exhibit No. 53, marked for identification.)

By Mr. Lewis:

Q. I show you Commonwealth Exhibit No. 53 and ask you if you know what that is?

A. These are duplicates of the pamphlet I just read from.

Q. Did you ever see that bundle before?

A. Yes, in the Communist Headquarters in the Rakewell Building on August 31, 1950. If you are asking me how many there are there, I have not made a count. I would say there are over 100.

Q. That is an estimate?

A. That is an estimate.

Mr. Lewis: We offer in evidence the bundle, Commonwealth Exhibit No. 53, which are duplicate copies of Commonwealth Exhibit No. 52.

[fol. 676] The Court: Objection entered and overruled.

(Commonwealth Exhibit No. 54, marked for identification)

Q. I show you Commonwealth Exhibit No. 54, and ask you what that is, if you know.

A. This is a magazine entitled "Political Affairs," May 1950, containing reports to the Plenary Meeting of the National Committee of the Communist Party, U.S.A., in March, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 50.

(Exhibit shown to defendant)

The Court: The same objection, overruled.

Q. And ask the witness to read excerpts therefrom.

A. On Page 15, an article by Gus Hall, National secretary of the Communist Party of the United States, I read: "It is the representatives of our country, the officials of the American government, who have become and are the guard[fol. 677] ians, the saviors, and the rehabilitators of Nazi butchers, fascist murders, and cannibalistic generals who manufactured and used deadly, crippling bacteria as a weapon against civilians, women and children."

Mr. Nelson: Isn't that true? General Eisenhower wants to organize a German Army now.

The Court: You may cross examine the witness at the proper time.

Mr. Nelson: They want to use the Nazis now.

The Court: You may cross examine him on that point or anything else concerning this bulletin at the proper time.

Mr. Nelson: What is the point of reading it this way, Your Honor?

The Court: You can elaborate on it or point out anything else in the argument, if you wish.

[fol. 678] A. (continued) On page 27: "We must avoid and do everything in our power to make sure, that we will not be put into a situation where Communists vote for resolutions that condemn the Soviet Union. Under all circumstances we must make it crystal clear that we do not agree with any notions or ideas which are embodied in 'the plague on both your houses' demagogy." On page 46: "Then, too, there is a deep-rooted vice of relying on resolutions, on telegrams and letters as a decisive form of struggle. Important as these are, you can't stop the warmongers and fascists with a front of paper, of resolutions. Resolutions have a real significance, but they are no substitute for mass action." On Page 56: "Let us be clear: A People's Front government, to realize its anti-war and anti-fascist aims, would have to curb the powers of monopoly capital. Such a government can be established, generally speaking, only under a number of conditions, which must include the following prerequisites: First, the existence of a political crisis in the country. Second, the existence of militant unity of action of decisive sections of the working class, leading a broad people's coalition and waging a

resolute extra-parliamentary struggle. Third, a situation in which the Communist Party plays a leading role in this labor and people's coalition.'" Page 57: "To assure victory, to help establish a People's Democracy, it is necessary that the Communist Party must be, not only a leading [fol. 679] and influential factor, but that the working class must fight the leadership of the Communist Party, the Party exercising not 'a' but 'the' leading role."

(Commonwealth Exhibit No. 55, marked for identification).

Q. I show you Commonwealth Exhibit No. 55 and ask you what that is?

A. It is a book entitled, "The United Front" by George Dimitroff, general secretary, Communist International, printed by the International Publishers in New York, copyrighted in 1938, which I obtained from the Headquarters of the Communist party in Pittsburgh on August 31, 1950.

(Exhibit shown to defendant)

Mr. Nelson: The sub-title of that "Problems of Working-Class Unity and the People's Front in the Struggle Against Fascism and War." This speech was made in 1935 as an appeal to the people of the democratic countries to stop Hitler and Mussolini.

[fol. 680] The Court: Cross examine the witness later. If that is on the cover and you want it noted——

Mr. Nelson: That is on the cover, Your Honor.

Mr. Lewis: Nothing about Mussolini on this cover.

The Court: Read the full cover into the record.

Mr. Lewis: If the court please, the frontis-piece of this Exhibit reads as follows: "The United Front Problems of Working-Class Unity and the People's Front in the Struggle Against Fascism and War." by George Dimitroff, general secretary of the Communist International.

Q. I would ask the witness to read Commonwealth Exhibit No. 55 which we offer in evidence, excerpts from it.

The Court: Objection to it overruled. Read the ex-
[fol. 681] cerpts.

A. On Page 123 at the bottom of the page going over to the top of page 124: "Comrades, we Communists are

people of action. Ours is the problem of practical struggle against the offensive of capital, against fascism and the threat of imperialist war, the struggle for the overthrow of capitalism. It is precisely this practical task that obliges Communist cadres to equip themselves with revolutionary theory. For, as Stalin, that greatest master of revolutionary action, has taught us, theory gives those engaged in practical work the power of orientation, clarity of vision, assurance in work, belief in the triumph of our case. But real revolutionary theory is irreconcilably hostile to all emasculated theorizing, all barren play with abstract definitions. Our theory is not a dogma, but a guide to action, Lenin used to say. It is such a theory that our cadres need, and they need it as badly as they need their daily bread, as they need air or water." At the bottom of the page: "All sections of the Communist International must without any dilly-dallying seriously take up the question of the proper organization of Party schools, in order to turn them into smithies where these fighting cadres are forged."

[fol. 682] (Commonwealth Exhibit No. 56, marked for identification)

Q. I show you Commonwealth Exhibit No. 56 and ask you if you know what that is?

A. That is a book'let entitled, "Left-Wing Communism, and Infantile Disorder" by V. I. Lenin, published by the International Publishers in New York. In 1940 this edition was copyrighted.

Q. Who was V. I. Lenin?

A. He was the founder of the Russian Soviet State, became its first dictator and the leader of the International Revolutionary Movement.

(Exhibit shown to the defendant)

Mr. Nelson: Let the record show it was published first in 1920. I don't know what it had to do with 1951 or 1950 or 1952, in Pittsburgh, Pennsylvania.

The Court: We will note the date of publication.

Mr. Lewis: It shows it was copyrighted in 1940 by the International Publishers, Incorporated. We offer in evidence Commonwealth Exhibit No. 56.

[fol. 683] Q. And ask the witness to read excerpts therefrom.

A. On Page 37: "You must be capable of every sacrifice, of overcoming the greatest obstacles in order to carry on agitation and propaganda systematically, perseveringly, persistently and patiently precisely in those institutions, societies and associations—even the most reactionary—in which proletarian or semi-proletarian masses are to be found." On Page 38: "We must be able to withstand all this, to agree to any sacrifice, and even—if need be—to resort to all sorts of stratagems, artifices, illegal methods, to evasions and subterfuges, only so as to get into the trade unions, to remain in them, and to carry on Communist work within them at all costs."

(Commonwealth Exhibit No. 57, marked for identification).

Q. I show you Commonwealth Exhibit No. 57 and ask you if you ever saw that before?

A. Yes, that is "Volume VIII, Selected Works of Lenin". I saw it in the Communist Headquarters on August 31, 1950.

(Exhibit shown to the defendant)

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 57.

[fol. 684] Q. And ask the witness to read therefrom.

A. At the top of page 297: "As long as Capitalism and socialism exist, we cannot live in peace: in the end, one or the other will triumph—a funeral dirge will be sung either over the Soviet Republic or over world capitalism."

(Commonwealth Exhibit No. 58, marked for identification).

Q. I show you Commonwealth Exhibit No. 58 and ask you what that is, if you know?

A. That is a booklet entitled "Problems of Leninism" by Joseph Stalin published by the International Publishers in New York, copyrighted 1934, obtained by me on July 19, 1950 in the Communist Headquarters in Pittsburgh.

(Exhibit shown to the defendant)

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 58.

Q. And ask the witness to read excerpts therefrom.

The Court: Same objection, overruled.

[fol. 685] A. On page 14 I read: "We stand for uninterrupted revolution (My italics.—J.S.), we will not halt half way . . . Without falling into adventurism, without betraying our scientific conscience, without chasing after cheap popularity, we can and do say one thing: we will exert every effort to help the whole of the peasantry to make the democratic revolution, in order that it may be easier for us, the party of the proletariat, to pass over as quickly as possible to the new and higher tasks, viz., the socialist revolution." On page 20, I read: "That is why Lenin states that '. . . the liberation of the oppressed class is impossible not only without a violent revolution, but also without the destruction of the apparatus of state power, which was created by the ruling class."

(Commonwealth Exhibit No. 59, marked for identification, and shown to defendant)

Q. I show you Commonwealth Exhibit No. 59 and ask you what that is, if you know?

A. This is a pamphlet entitled "Murder, inc. in Greece" by Olive Sutten, published by the New Century Publishers in New York in April, 1948, which I obtained at the Communist Headquarters in Pittsburgh on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 59.

[fol. 686] Q. And ask the witness to read excerpts therefrom?

A. On Page 4: "Not a single Greek mother is taken from her children and exiled to the islands without the knowledge and consent of American officials in Greece. Not a single Greek youth, acclaimed for his deeds in the Resistance, is shot without the consent of Dwight Griswold, head of the American Mission in Athens. Not a single dawn is broken by the clump of heavy boots outside the door without the approval of President Truman's representatives in Greece."

Mr. Lewis: Instead of having slanted excerpts read let the jurors look at it.

Mr Cercone: So it will be perfectly clear in the minds of the jury since this defendant has made reference to the books being lined or marked, they ought to know, in January of 1950 a trial was started against this defendant in which he was charged with sedition and it had proceeded for a period of five months and then he became injured in an automobile accident so that the case had to [fol. 687] be discontinued and started over again. That is the reason for these markings and probably the confusion of Mr. Lewis because there are several exhibit markings on the outside.

The Court: I think we understand that.

(Commonwealth Exhibit No. 61, marked for identification)

The Court: These have been used in former trials.

Mr. Lewis: Yes.

Q. I show you commonwealth Exhibit No. 61 and ask you if you know what that is?

A. It is a pamphlet entitled "In Defense of the Communist Party and the Indicted Leaders" by William Z. Foster, who is the national chairman of the Communist Party.

Q. Did you ever see that before?

A. Yes. I obtained this from Dolsen in the Communist Headquarters on July 19, 1950.

[fol. 688] Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 61.

Q. And ask the witness to read excerpts therefrom.

A. On Page 35: "The political line of the world Communist movement, as championed by Lenin, especially in the Russian Revolution, was profoundly correct. We defend and support it in every sense." On Page 68: "An American-Soviet war, which could only come as the supreme expression of American aggression, would be a thoroughly hated war. Obviously throughout the capitalist world the Communists would oppose such a war and so would the overwhelming masses of the people. In the face of that new war provocation, the North Atlantic Pact, the

French and Italian Communist Parties have clearly stated their determination not to fight against the U.S.S.R. Our American Party has done likewise.'" On Page 96: "The people's right of revolution cannot be denied. If a peaceful path to Socialism is open to the people that is the road they will always take. But if capitalist reaction and violence forces them to fight for Socialism, then fight they will, and as history shows, successfully."

(Commonwealth Exhibit No. 60, marked for identification and shown to the defendant)

[fol. 689] Q. I show you Commonwealth Exhibit No. 60 and ask you if you know what that is?

A. That is a pamphlet entitled "A Letter to American Workers" by V. I. Lenin, copyrighted in 1934 by the International Publishers.

Q. Did you ever see that pamphlet before?

A. I obtained this from Dolsen in the Communist Headquarters in Pittsburgh on July 19, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 60.

Q. And ask the witness to read excerpts therefrom.

A. On Page 21: "When we speak of the overthrow of the bourgeoisie, only traitors or idiots will seek to concede to the bourgeoisie formal equality of rights. The 'freedom of assembly' for workers and peasants is not worth a cent when the best buildings are in the hands of the bourgeoisie. Our soviets took away all the good buildings from the rich both in town and country and turned over all these buildings to the workers and peasants for their unions and meetings. That is our freedom of assembly—for the toilers. That is the idea and content of our Soviet, Socialist Constitution."

Mr. Nelson: What is the meaning of that statement there? [fol. 690] It merely states a fact in the Soviet Union the workers took away the big banks and buildings and the industries from the rich and they are operating for themselves. What is the point of raising that question?

The Court: It is a matter of argument, Mr. Nelson. You can argue to the jury it has no significance; they will argue that it does.

Mr. Nelson: I think the prosecution is going fairly by now.

The Court: Commonwealth Exhibit 60 is offered in evidence and the objection to it is overruled.

Mr. Cercone: I think it is useless to object to this defendant's outburst and onteries, but there is not much we can do about it.

The Court: He is without counsel and attempts to argue [fol. 691] the various points as they arrive rather than limit himself to argument generally at the end, and I will instruct him accordingly as the occasion requires.

(Commonwealth Exhibit No. 62, marked for identification and shown to defendant)

Recess

After recess

Judge Musmanno, resumes the stand.

Q. I show you Commonwealth Exhibit No. 62 and ask you if you ever saw that before?

A. Yes, I did. I saw this in the Communist Headquarters in Pittsburgh on August 31, 1950, entitled "On the Eve of October", by V. I. Lenin.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 62.

Q. And ask the witness to read excerpts therefrom?

[fol. 692] The Court: Exception noted, overruled.

A. Just one sentence. "There is no doubt that the beginning of October has brought us to the greatest turning point in the history of the Russian and, according to all appearance, also of the world revolution."

(Commonwealth Exhibit No. 63, marked for identification)

Q. I show you Commonwealth Exhibit No. 63 and ask you if you know what that is?

A. This is a pamphlet entitled "Marxism-Leninism vs. Revisionism," in a compilation of articles by William Z. Foster, Jacques Duclos, Eugene Dennis, and John Williamson, published by the New Century Publishers in 1946,

obtained in the Communist Headquarters in Pittsburgh on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 63.

Q. And ask the witness to read excerpts to the jury.

A. On Page 110: "We have got to mobilize our Party. We cannot stand for passivity in our ranks. We have to bring this matter home to our comrades by an intensive [fol. 693] ideological campaign, by a systematic mobilization of our membership for the big tasks confronting us. We must get our whole Party into action. Overcoming passivity in the Party is one of the most fundamental things that we have to do at the present time.

A third basic necessity for us is to recruit more members especially basic workers into the Party. We must take this job in hand as never before. We have said this many times in the history of our Party, but we have got to do it a new way now. All over the world the Communist Parties are growing, and we must grow too."

(Commonwealth Exhibit No. 64, marked for identification)

Q. I show you Commonwealth Exhibit No. 64 and ask you if you have ever seen that bundle before?

A. This is a bundle of pamphlets similar to the one I just read from, and I saw them in the Communist Headquarters in the Bakewell Building on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 64 which bundle of pamphlets are duplicates of Commonwealth Exhibit No. 63.

[fol. 694] The Court: Same objection, overruled, offer received.

(Commonwealth Exhibit No. 65, marked for identification)

Q. I show you Commonwealth Exhibit No. 65 and ask you whether you saw that before?

A. This is a magazine which I have seen before in the Communist Headquarters in Pittsburgh on August 31, 1950. It is entitled "New Times", a weekly journal published by the newspaper Trud in Moscow.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 65.

Q. And ask the witness to read excerpts?

Mr. Nelson: Got an extra copy?

Mr. Lewis: No, I don't think we have that edition.

A. No. 1 on page 5: "The Communist and Workers' Parties of all lands honour Stalin as the great leader of the [fol. 695] world's working class, the leader of the international revolutionary movement."

Mr. Nelson: What is the date of that?

Mr. Lewis: No. 4 of 1950, no actual date on it.

If the Court please; we have seven books here all of which are mentioned in the indictment, all of which have been identified and offered into evidence. Now, we have a few excerpts from each one of these books and that is the only books then we are going to read any excerpts from. Unless we forgot maybe one that might be laying here.

The Court: There are nine books mentioned in the indictment.

Mr. Lewis: We have seven books mentioned here: "Foundations of Leninism", "Dictatorship of the Proletariat", "History of the Communist Party of the Soviet Union," "State and Revolution", "Twilight of World Capitalism," [fol. 696] and "Stalin is Leading Us to the Victory of Communism."

The Court: Then there are three that you do not have.

Mr. Lewis: Three that we are not going to read from.

The Court: "Communist Manifesto" you have read from and has been offered.

Mr. Lewis: Yes.

The Court: "Communist Party in Action."

Mr. Lewis: No.

The Court: "Stalin's Speeches."

Mr. Lewis: No, we didn't offer that.

Mr. Nelson: Haven't these books and pamphlets been referred to and read from? It appears to me that they have been.

[fol. 697] The Court: I will have to check that and see.

Mr. Nelson: What is the idea of reading them again?

The Court: Well, there will be no repetition.

Mr. Lewis: There will be no repetition.

Mr. Nelson: You are going to do it now in sort of a wholesale manner.

Mr. Lewis: No, it is just collected together.

Mr. Nelson: That is a new one.

Q. Exhibit No. 19——

A. In the "Twilight of World Capitalism," I read from the dedication page. This book is by William Z. Foster. On the Dedication page appear the following: "To My Great-Grandson Joseph Manley Kolko Who Will Live in a Communist United States." On Page 21: "After Lenin died, the Soviet people were fortunate to have as their leader Joseph [fol. 698] Stalin, Lenin's co-worker, who is far and away the greatest Marxist and the most able political leader of our times. I always have to smile when the half-literate politicians and economists at the head of the government in this country declare that this great Marxist does not understand American and world conditions." On page 23, Foster says: "It was also the Red Army that, in the course of the war, doing at least 90 per cent of the fighting of the allies in Europe, smashed Hitler's forces altogether, and won the war." On page 52: "The parliaments of many countries, even in capitalist lands, are much more democratic in their make-up than is the American Congress." On page 105: "The Communist Party is a fighting organization, not a talking machine."

(Commonwealth Exhibit No. 66, marked for identification.).

The Court: I understand these are excerpts other than those set forth in the indictment. You have read the ones set forth in the indictment and these are additional excerpts.

Mr. Lewis: Contained in the same books mentioned in the indictment.

[fol. 699] Q. I show you Commonwealth Exhibit No. 66 and ask you what that is?

A. These are duplicates of the book I just read from.

Q. Did you ever see those books before?

A. I did see those books before in the Communist Headquarters on August 31. There are 13 copies there.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 66.

A. This is now Exhibit 16, "Foundations of Leninism." On page 53: "Briefly: the dictatorship of the proletariat is the rule—unrestricted by law and based on force—of the proletariat over the bourgeoisie, a rule enjoying the sympathy and support of the labouring and exploited masses. From this follow two main conclusions: First conclusion: The dictatorship of the proletariat cannot be 'complete' democracy, democracy for all, for the rich as well as the poor; the dictatorship of the proletariat must be a state that is democratic in a new way—for the proletarians and the propertyless in general—and dictatorial in a new way—against the bourgeoisie . . ." On page 91, same exhibit: "The revolution is spreading beyond the confines of one country; the period of world revolution has commenced." Exhibit No. 15, "The Communist Manifesto," on page 28: "The Communists are further reproached with desiring to abolish countries and nationality. The workingmen have [fol. 700] no country." Exhibit No. 21: "History of the Communist Party of the Soviet Union"——

Mr. Nelson: Are they going back into the same exhibit already introduced.

The Court: They are not offering these. They are merely reading additional excerpts from these exhibits already offered, not read as part of the indictment. They are in the same category as the other literature which has been referred to.

A. (continued) On page 81: "Speaking at a meeting of workers in Tiflis on the day the tsar's Manifesto was announced, Comrade Stalin said: 'What do we need in order to really win? We need three things: first—arms, second—arms and arms again!'" Again on page 168: "Lenin always taught that without a revolution of the working class, capitalism cannot be overthrown. Therefore, while defining imperialism as moribund capitalism, Lenin at the same time showed that 'imperialism is the eve of the social revolution of the proletariat.'" On page 231: "In March 1919, on the initiative of the Bolsheviks, headed by Lenin, the First Congress of the Communist Parties of various countries, held

[fol. 701] in Moscow, founded the Communist International. Although many of the delegates were prevented by the blockade and imperialist persecution from arriving in Moscow, the most important countries of Europe and America were represented at this First Congress. The work of the congress was guided by Lenin. Thus was founded an international revolutionary proletarian organization of a new type—the Communist International—the Marxist-Leninist International." On page 354: "Hence the necessity for a new party, a militant party, a revolutionary party, one bold enough to lead the proletarians in the struggle for power, sufficiently experienced to find its bearings amidst the complex conditions of a revolutionary situation, and sufficiently flexible to steer clear of all submerged rocks in the path to its goal. Without such a party it is useless even to think of overthrowing imperialism and achieving the dictatorship of the proletariat. This new party is the party of Leninism," by Joseph Stalin. On Page 356: "The Marxist-Leninist theory is not a dogma but a guide to action." On page 363: "What does the history of the C.P.S.U. (B) teach us? (1) The history of the Party teaches us, first of all, that the victory of the proletarian revolution, the victory of the dictatorship of the proletariat, is impossible without a revolutionary party of the proletariat, a party free from opportunism, irreconcilable towards compromisers and capitulators, and revolutionary in its attitude towards the bour-[fol. 702] geoisie and its state power." Exhibit No. 17: "The Dictatorship of the Proletariat." On page 24: "The machine which is called the state before which people stooped in superstitious awe, believing the old stories that it is the power of the whole people—that machine the proletariat discards, pronouncing it a bourgeois lie." On page 49: "Can such a radical transformation of the old bourgeois system of society be achieved without a violent revolution, without the dictatorship of the proletariat? Obviously not. To think that such a revolution can be carried out peacefully with the framework of bourgeois democracy, which is adapted to the domination of the bourgeoisie, means one of two things: It means either madness, and loss of normal human understanding, or else an open and gross repudiation of the proletarian revolution. . . ." On page 66:

"To put it briefly: the dictatorship of the proletariat is the domination of the proletariat over the bourgeoisie, untrammeled by law and based on violence and enjoying the sympathy and support of the toiling and exploited masses." On page 69: "The proletarian revolution is impossible without the forcible destruction of the bourgeois state machine and substitution for it of a new one." On page 114 "Dictatorship is a big word, and big words should not be scattered to the winds. Dictatorship means an iron rule, revolutionarily bold, quick and ruthless in suppressing exploiters as well as hooligans." Exhibit No. 20, "State and [fol. 703] Revolution," on page 53: "Have these gentlemen ever seen a revolution? Revolution is undoubtedly the most authoritative thing possible. It is an act in which one section of the population imposes its will on the other by means of rifles, bayonets, cannon, i.e., by highly authoritative means, and the victorious party is inevitably forced to maintain its supremacy by means of that fear which its arms inspire in the reactionaries. Would the Paris Commune have lasted a single day had it not relied on the authority of the armed people against the bourgeoisie?"

Mr. Lewis: We have some other books here merely for identification and offer in evidence without any reading.

Mr. Nelson: Why don't the prosecution put it on a scale, that would be the way to do it; do it by the pound. What is the difference what's in them?

The Court: They are there for your use. If they don't wish to direct particular attention to it, you may do so.

Q. Will you identify these?

[fol. 704] (Commonwealth Exhibit No. 67, marked for identification)

A. "Ideas They Cannot Jail" by Eugene Dennis. All of these were obtained in the Communist Headquarters August 31, 1950.

(Commonwealth Exhibit No. 68, marked for identification)

A. "What is Leninism?" Obtained on July 19th, 1950.

(Commonwealth Exhibit No. 69, marked for identification)

A. "Religion" by Lenin, obtained July 19th, 1950.

(Commonwealth Exhibit No. 70, marked for identification)

A. "Marxism and Revisionism" by Lenin and Stalin, obtained July 19th, 1950.

(Commonwealth Exhibit No. 71, marked for identification)

[fol. 705] A. "Women and Society" by Lenin, obtained July 19th, 1950.

(Commonwealth Exhibit No. 72, marked for identification)

Mr. Nelson: I can't keep up with that. Will Mr. Lewis announce the number of it?

The Court: May I suggest this, that you keep them on the Bar of the Court, number them, and as soon as we recess you may have the liberty of making note of the number and name.

A. "Joseph Stalin, A Political Biography", obtained July 19th, 1950.

(Commonwealth Exhibit No. 73, marked for identification)

A. "Theory of the Proletarian Revolution", obtained July 19th, 1950.

(Commonwealth Exhibit No. 74, marked for identification)

[fol. 706] A. "Political Economy", obtained August 31, 1950.

(Commonwealth Exhibit No. 75, marked for identification)

A. "Yankee Imperialism in Spain", August 31, 1950.

(Commonwealth Exhibit No. 76, marked for identification)

A. "Socialism, Utopian and Scientific", July 19, 1950.

(Commonwealth Exhibit No. 77, marked for identification)

A. "Atomic Energy and Society", August 31, 1950.

(Commonwealth Exhibit No. 78, marked for identification)

A. "Marx and the Trade Unions", August 31, 1950.

(Commonwealth Exhibit No. 79, marked for identification)

[fol. 707] A. "Marxism and the National Question" by Joseph Stalin, August 31, 1950.

(Commonwealth Exhibit No. 80, marked for identification)

A. "Wage-Labour and Capital", by Karl Marx, August 31, 1950.

(Commonwealth Exhibit No. 81, marked for identification)

A. "The Reports of the Plenary Meeting National Committee, C.P.U.S.A." August 31, 1950.

(Commonwealth Exhibit No. 82, marked for identification)

A. "Volume IX of the Selected Works of Lenin", August 31, 1950.

(Commonwealth Exhibit No. 83, marked for identification)

A. "What is to be Done?" by Lenin, July 19, 1950.

[fol. 708] (Commonwealth Exhibit No. 84, marked for identification)

A. "America at the Crossroads" by William Z. Foster, July 19th, 1950.

(Commonwealth Exhibit No. 85, marked for identification)

A. "Value, Price and Profit" by Karl Marx, July 19th, 1950.

(Commonwealth Exhibit No. 86, marked for identification)

A. "Political Affairs of June, 1950", obtained August 31, 1950.

(Commonwealth Exhibit No. 87, marked for identification)

A. "Capitalism and Progress", obtained August 31, 1950.

(Commonwealth Exhibit No. 88, marked for identification)

A. "The Nature of Capitalism", August 31, 1950.

[fol. 709] (Commonwealth Exhibit No. 89, marked for identification)

A. "Marxism and Revisionism", August 31, 1950.

(Commonwealth Exhibit No. 90, marked for identification)

A. "Political Affairs for July, 1950", obtained August 31, 1950.

(Commonwealth Exhibit No. 91, marked for identification)

A. "Letters from Afar", by V.I. Lenin, August 31, 1950.

(Commonwealth Exhibit No. 92, marked for identification)

A. "The Threatening Catastrophe and How to Fight It", by V.I. Lenin, August 31, 1950.

(Commonwealth Exhibit No. 93, marked for identification)

A. "Art and Literature", by Mao Tse-Tung, August 31, 1950.

[fol. 710] (Commonwealth Exhibit No. 94, marked for identification)

A. "Imperialism" by V.I. Lenin, August 31, 1950.

(Commonwealth Exhibit No. 95, marked for identification)

A. "What is Marxism?", August 31.

(Commonwealth Exhibit No. 96, marked for identification)

A. "Constitution of the U.S.S.R.", August 31.

(Commonwealth Exhibit No. 97, marked for identification)

A. "Benjamin Rush Bulletin for Summer, 1950", obtained August 31, 1950.

(Commonwealth Exhibit No. 98, marked for identification)

A. "Political Affairs for August, 1950", obtained August 31, 1950.

[fol. 711] (Commonwealth Exhibit No. 99, marked for identification)

A. "Political Affairs for February, 1950," obtained August 31, 1950.

(Commonwealth Exhibit No. 100, marked for identification)

A. Magazine entitled "People's China", August 31, 1950.

(Commonwealth Exhibit No. 101, marked for identification)

A. Magazine entitled "New Times, No. 16, 1950", obtained July 19, 1950.

(Commonwealth Exhibit No. 102, marked for identification)

A. "New Times, No. 13, 1950", obtained August 31, 1950.

(Commonwealth Exhibit No. 103, marked for identification)

A. "From Socialism to Communism in the Soviet [fol. 712] Union", by Joseph Stalin, August 31, 1950.

(Commonwealth Exhibit No. 104, marked for identification)

A. "Soviet Democracy and Bourgeois Democracy", August 31, 1950.

(Commonwealth Exhibit No. 105, marked for identification)

A. "The Theory and Practice of the Communist Party", July 19, 1950.

(Commonwealth Exhibit No. 106, marked for identification)

A. "Two Tactics of Social-Democracy in the Democratic Revolution", August 31.

(Commonwealth Exhibit No. 107, marked for identification)

A. "The War and the Second International", by Lenin, August 31.

(Commonwealth Exhibit No. 108, marked for identification)

[fol. 713] A. "War and the Workers" by Lenin, August 31.

(Commonwealth Exhibit No. 109, marked for identification)

A. "The Teachings of Karl Marx" by Lenin, August 31.

(Commonwealth Exhibit No. 110, marked for identification)

A. "The April Conference", by Lenin, August 31.

(Commonwealth Exhibit No. 111, marked for identification)

A. "The Tasks of The Proletariat in Our Revolution", by Lenin, August 31.

(Commonwealth Exhibit No. 112, marked for identification)

A. "Hints on How to Organize Open-Air Meetings" issued by National Education Department, Communist Party of the United States, August 31, 1950.

[fol. 744] (Commonwealth Exhibit No. 113, marked for identification.)

A. "New Times, issue No. 19, 1950," obtained August 31, 1950.

(Commonwealth Exhibit No. 114, marked for identification.)

A. Magazine entitled "People's China" issued July 16, 1950, obtained August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibits No. 67 to 114, inclusive.

The Court: They will be received subject to the same objection that has been interposed in the evidence, and it is overruled.

(No. 115 inadvertently skipped.)

(Commonwealth Exhibit No. 116, marked for identification.)

Q. I show you Commonwealth Exhibit No. 116, and ask [fol. 745] you if you know what that is?

A. That is a bundle of the "Political Affairs for February, 1950", 21 copies, observed by me at the Communist Headquarters on August 31, 1950.

Q. Are they duplicate copies of Exhibit No. 108?

A. Yes, they are duplicates of Exhibit 108.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 116.

The Court: Received subject to the same objection.

(Commonwealth Exhibits Nos. 117 to 123, inclusive, marked for identification, shown to defendant.)

Q. I show you Commonwealth Exhibit No. 117, and ask you if you know what that is?

A. It is a note book containing items with reference to literature sold in the Communist Headquarters in Pittsburgh.

Q. Did you ever see that exhibit before?

A. Yes, in the Headquarters of the Communist Party; August 31, 1950.

Q. I show you Commonwealth Exhibit No. 118, and ask you what that is?

[fol. 716] A. It is a similar note book and seen at the same time as the preceding exhibit.

By the Court:

Q. Does it bear any dates?

A. The first one, Exhibit No. 117, indicates on the frontispiece "To July 12th, 1950." Then there are dates on the various pages and sheets with items.

By Mr. Lewis:

Q. I show you Commonwealth Exhibit No. 118. See if there are any dates on that exhibit.

A. Exhibit No. 118 carries dates, November 3rd, November 4th, November 17th, and other dates. The year does not appear.

Mr. Nelson: What is the mystery about those receipt books?

The Court: What is the offer?

Mr. Lewis: The offer is the receipt books show that literature was sold from the Headquarters, and some of the very literature introduced in evidence, the names appear in these [fol. 717] receipt books. The offer is to show they were selling literature out of the Headquarters in the Bakewell Building.

Mr. Nelson: Did I sell them? Is that the offer? Is that the proof?

Mr. Lewis: The offer is to show they operated a book store there and we will follow that up to show the defendant's connection with that book store.

A. (continued) Exhibit No. 119 is a note book similar to the two previous exhibits. It also has many items indicating the sale of pieces of literature, and many of these items show titles which have been introduced in evidence here.

Mr. Nelson: Is it a crime to sell literature in this country now? Is that what we are going to try here?

The Court: It is not a crime.

Mr. Nelson: What are they doing here, two judges fooling [fol. 718] around with a couple of little receipt books here in front of this jury?

The Court: We will rule on its admissibility. If you want to object to it why do so when it is offered.

Mr. Nelson: I think this is perfectly ridiculous this should be brought in in this manner.

The Court: We will note your objection to it if it is offered into evidence. It is merely being identified at this stage.

A. (continued) One item on January 29, 1950, shows that on that day three copies of the "Communist Manifesto" were sold, one copy of "Foundations of Leninism," and several other items.

Mr. Nelson: I dare say, Your Honor, that three million copies of that book have been sold in a hundred years in [fol. 719] this country, and I don't know how I could be held responsible for that.

The Court: You won't be, maybe you will. I am not prepared to answer your question at this time. That is your contention. If there was nothing involved in your actions—if they were your actions—that has to be established I presume. But we will not argue that point at this time. We are only ruling on the admissibility of the evidence and if it is offered we will overrule your objection and permit it to be received.

Mr. Lewis: We offer in evidence Commonwealth Exhibits No. 117, 118, and 119.

The Court: Objection noted to it, objection overruled.

(Commonwealth Exhibits Nos. 124, 125, and 126, marked for identification, and shown to defendant.)

[fol. 720] Q. I show you Commonwealth Exhibit No. 120, and ask you what that is, if you know?

A. It is a cash book which I saw in the Communist Headquarters on August 31, 1950.

Q. Are there any dates in that book?

A. The first date is November 1, 1949, the last date is 3 slant 10 without the year indicated—presumably 1950.

Q. I show you Commonwealth Exhibit No. 121 and ask you if you know what that is?

A. That is the same kind of a book. The first date is 3 slant 19 with the year omitted, and the last date is 6 slant 21.

Q. I show you Commonwealth Exhibit No. 122 and ask you if you know what that is?

A. It is the same kind of a book. First date is 9 slant 20, the last date is 12-30 and there appears in the last item "closed for 1949." That apparently refers to 1949.

Q. I show you Commonwealth Exhibit No. 123 and ask you if you know what that is?

A. Same kind of a book. First date is 6-21 no year indicated, last date 9 slant 15.

Q. I show you Commonwealth Exhibit No. 124 and ask you if you know what that is?

A. That is the same kind of a book. First item says received from C. P. S. U. S. A., Communist Party, U. S. A., July 21, without the year indicated, last date is August 28th. [fol. 724] Q. Is there any year on the outside of the cover?

A. Yes, on the outside of the cover there is a penciled notation "1950".

Q. I show you Commonwealth Exhibit No. 125 and ask you what that is?

A. That is the same kind of a book and it carries on the outside the notation "1950".

Q. Show you Commonwealth Exhibit No. 126 and ask you if you know what that is?

A. Same kind of a book with the notation "1950" on the outside.

Q. Did you ever see Exhibits 120, 121, 122, 123, 124, 125, and 126 before?

A. Yes, I saw them all in the Communist Headquarters in the Bakewell Building on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibits 120 to 126, inclusive.

The Court: Note an objection to them. Objection overruled and received.

(Commonwealth Exhibit No. 127, marked for identification and shown to defendant.)

Mr. Nelson: Your Honor, what am I expected to do with [fol. 722] this. I couldn't know what this is by this cursory fast examination.

The Court: What is the offer of proof?

Mr. Lewis: We are going to prove by that letter file, apparently it is a letter file and its contents, that the local organization of the Communist Party is buying and selling literature, what kind of literature they were buying, what kind they were selling, and the names of the various books and pamphlets they were buying and selling, and the dates on which they bought and sold these pamphlets and books.

Mr. Nelson: So far as I can see it is a record of the Daily Worker and the Worker, and its circulation items. They were not handled by me. And furthermore, what is wrong in keeping a record of the circulation of a newspaper, whose [fol. 723] get to pay some bills, and so forth. I don't understand it. I don't know my legal rights here, and I don't know what is being put over by the prosecution here. It is some kind of effort to just drive the dagger in my heart without any adequate defense, and doing it wholesale.

The Court: We will note an objection on your part to it.

Mr. Nelson: I take no responsibility what is in there. I don't know what it is. I can't examine it in this short time.

Mr. Cerecone: The defendant has stated many times now that he has had no counsel. I want to point out for the record that in the last case he had an attorney and fired him after two days.

The Court: We will strike your remarks from the record, Mr. Cerecone.

[fol. 724] Mr. Nelson: Mr. Cerecone plays the same record every time he gets up. You would think an attorney would know how to make a new argument once in a while.

Mr. Cerecone: That is an important argument.

The Court: Will you gentlemen sit down, please, or are we going to recess again until you cool off, both of you.

Mr. Nelson: Will you permit, Your Honor, me to make this.

The Court: Not at this time. I rule you out of order, Mr. Nelson. I have ordered the remarks of Mr. Cerecone stricken from the record, and I will instruct the jury to disregard them.

Q. I show you Commonwealth Exhibit No. 127, and ask you what that is, if you know?

A. This is a letter file which was on the desk of Dolsen.

[fol. 725] Mr. Nelson: Dolsen was tried, he had his trial, what has this got to do with me?

The Court: We will determine that. This was a letter file that was found on the desk of Dolsen. Go ahead.

A. (Continued:) In the Communist Headquarters in the Bakewell Building on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 127.

The Court: Same objection noted. Objection overruled.

(Commonwealth Exhibit No. 128, marked for identification.)

Q. I show you Commonwealth Exhibit No. 128 and ask you if you know what that is?

A. Yes, I do.

Q. What is it?

A. It is a bundle of books entitled "The Soviet Spirit", the story of the incentives behind the victories of the peoples [fol. 726] of the Soviet Union in the war, in the battle of production on the farms, and the building of a new way of living together, by Harry F. Ward.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 128.

The Court: Same objection. Objection overruled.

Mr. Nelson: May I look at that a minute?

The Court: Yes.

(Commonwealth Exhibit No. 129, marked for identification.)

Mr. Nelson: Are they going to quote from this too?

The Court: I thought you might want to note the copyright date or date of publication.

[fol. 727] Mr. Nelson: This is a pamphlet dealing with the subject of the Soviet Union, our ally during the last war by Professor Harry F. Ward. And if they are going to do anything with it, I would like to see a copy given to every juror.

The Court: Possibly that can be arranged.

Mr. Nelson: Instead of tying them up like this in a box and taking them out in a bale somewhere so they could be scrap paper. I think that is no way to apply this issue.

Q. I show you Commonwealth Exhibit No. 129, and ask you what that is, if you know?

A. This is a bundle of pamphlets entitled "Soviet Democracy" by Harry F. Ward.

Q. Did you ever see those pamphlets before?

A. Yes, in the Communist Headquarters in the Bakewell Building, Pittsburgh, August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 129.

[fol. 728] (Copy shown to defendant.)

Mr. Nelson: Renew my request.

The Court: Request is refused. Objection overruled.

(Commonwealth Exhibit No. 130, marked for identification.)

Q. I show you Commonwealth Exhibit No. 130 consisting of two bundles of books, and ask you if you know what that exhibit is?

A. This is the biography of Joseph Stalin, and these two bundles are in addition to the large bundle I identified yesterday.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 130 consisting of two bundles of books of the biography of Joseph Stalin.

The Court: Same objection. Objection overruled.

(Commonwealth Exhibit No. 131, marked for identifica-
[fol. 729] tion, and shown to defendant.)

Q. I show you Commonwealth Exhibit No. 131 and ask you if you know what that is?

A. This is a bundle of booklets entitled "Thirty-one Years of the Union of Soviet Socialist Republics" by V. M. Molotov.

Q. Did you ever see those bundles before?

A. I did. On August 31, 1950 in the Communist Headquarters.

Mr. Lewis: We offer in evidence Commonwealth Exhibit 131.

The Court: Objection noted. Objection overruled.

(Commonwealth Exhibit No. 132, marked for identification.)

Q. I show you Commonwealth Exhibit No. 132 and ask you if you know what that is?

A. This is a pamphlet entitled "The Case for the Communist Party" by Eugene Dennis, general secretary of the Communist Party of the United States.

Q. Did you ever see that bundle before?

[fol. 730] A. In the Communist Headquarters in the Bakewell Building.

Q. When did you see them in the Bakewell Building?

A. August 31, 1950. Many of these I also saw July 19th. I saw them more particularly on August 31, 1950 when I had a greater opportunity to examine the contents of the headquarters.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 132.

The Court: Same objection entered. Objection overruled.

(Commonwealth Exhibit No. 133, marked for identification.)

Q. I show you Commonwealth Exhibit No. 133 and ask you if you ever saw that before?

A. Yes, this is a bundle of books entitled "Left Wing Communism and Infantile Disorder" by V. I. Lenin.

Q. Did you ever see that exhibit before?

A. Yes, in the Communist Headquarters when I visited there, particularly on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 133.

[fol. 731] (Copy given to defendant.)

The Court: Same objection entered. Objection overruled.

(Commonwealth Exhibit No. 134, marked for identification and shown to defendant.)

Q. I show you Commonwealth Exhibit No. 134, and ask you if you know what that is.

A. Four pamphlets entitled "Joseph Stalin, V. M. Molotov, the Soviet Union and World Peace." I saw these in the headquarters of the Communist Party in the Bakewell Building, August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 134.

The Court: Same objection to it.

(Copy given to defendant.)

(Commonwealth Exhibit No. 135, marked for identification.)

[fol. 732] Q. I show you Commonwealth Exhibit No. 135, and ask you if you ever saw that before?

A. Yes, this is the bundle of pamphlets entitled "Cold War in the Class Room" by Samuel Sillen. Saw that in the Headquarters of the Communist Party in August, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 135.

The Court: Same objection. Objection overruled.

(Commonwealth Exhibits 136, 137, and 138, marked for identification.)

Q. I show you Commonwealth Exhibit No. 136, and ask you if you know what that is?

A. This large bundle, two stacks, the title of this book is "The Communist Trial, and American Crossroad", by George Marions.

Q. Did you ever see this bundle of books before?

A. I did. I saw them in the Headquarters, Bakewell Building, August 31, 1950.

Q. I show you Commonwealth Exhibit No. 137, and ask you if you ever saw that before?

A. The same book, and saw it the same place, same time.

[fol. 733] Q. Show you Commonwealth Exhibit No. 138. Did you ever see that before?

A. The same answer with regard to that bundle.

Mr. Lewis: We offer in evidence Commonwealth Exhibits 136, 137 and 138.

The Court: Same objection entered. Objection overruled.

(Copies given to defendant.)

Mr. Nelson: I would like to approach the bench.

(Side Bar.)

Mr. Nelson: I don't know my rights on this question, Your Honor. But I believe to have introduced this book that deals with the trial where others were convicted, and so forth, it seems to me carries with it the implication that is what ought to be done with me here. And I think this is [fol. 734] prejudicial and I believe it was wrong on the part of the Court to order that admitted.

The Court: I haven't ordered it admitted yet.

Mr. Nelson: The jurors have heard it, Your Honor, and I believe it is a very serious error. And I move for the withdrawal of a juror and declare a mistrial.

The Court: Your motion is refused in that respect. If you want me to eliminate that from the evidence, possibly I will consider that. In view of all the other evidence here, I think if there is any question about it, Mr. Lewis, it ought to be eliminated.

Mr. Lewis: Of course, these are books which they were distributing themselves.

The Court: If there is anything the jury could peruse [fol. 735] and get any wrong ideas about the thing, since it is surplusage and accumulative I will decide in his favor on the matter.

Mr. Nelson: Your Honor, it seems to me the introduction of all these bundles and all this accumulative stuff has the same effect. I don't know how to formulate that or object to that, but it seems to me it has the same effect as far as the prosecution was concerned, and that's why it was introduced. And it is wrong. I had no idea how far they were